

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35664 of 2021

Arising Out of PS. Case No.-204 Year-2019 Thana- PATEPUR District- Vaishali

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RABINDRA RAY @ ARBIND RAY Son of Late Sone Lal Rai Resident of
Village- Bhagwanpur Kanju, P.S.- Patepur, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Choudhary
For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, the son of informant, Puneet Paswan was sleeping in the night after taking meal on 22.08.2019. On 23.08.2019 at about 00.30 hours, she awoke after hearing the sound of fire arm and saw four-five miscreants were fleeing from her house. Then she went to her son and saw that her son had died and his dead body was smeared with blood. 5-7 days ago, the villager Jagdish Panjiyar had threatened her younger son, Vijay Kumar, that he would shoot Puneet Paswan. The petitioner and co-accused are members of one group and they are criminals. There are several cases registered



against them. Therefore, the informant suspects that this petitioner along with other co-accused shot her son dead.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case only on suspicion. It is submitted that save and except suspicion there is no substantive evidence to suggest the implication of this petitioner nor there is any circumstantial evidence to show involvement of this petitioner in commission of aforesaid offence. Similarly situated accused Ajay Rai has already been granted bail by a co-ordinate Bench of this court vide order dated 02.03.2020 passed in Cr. Misc. No. 14712/2020. Petitioner is in custody since 03.01.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-III, Vaishali at Hajipur in connection with Patepur PS case No. 204/ 2019 on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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